

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re)	Case No.14-47077-399
)	Chapter 7
CATHALEAN JONES,)	
SS# XXX-XX-8644)	
)	
Debtor.)	<u>SCHEDULING ORDER ON</u> <u>MOTION TO RE-CONVERT CASE</u>

On September 5, 2014, the Debtor filed her Chapter 13 Voluntary Petition. On February 14, 2019 the Chapter 13 Trustee filed her Motion to Dismiss Case (doc 54) stating that "the debtor is \$1,300.00 in default through February 14, 2019." On March 7, 2019 the Debtor filed her Response (doc 55) stating "Debtor fell behind on her plan payments. Debtor shall forthwith bring her payments fully current." The Chapter 13 Trustee's Motion to Dismiss was set for hearing April 3, 2019 and continued to May 8, 2019, June 5, 2019, July 3, 2019, August 7, 2019, September 11, 2019, October 10, 2019 and November 6, 2019.

Before the continued November hearing the Debtor filed a Motion to Convert his Chapter 13 to a Chapter 7 case on October 28, 2019 ("the Motion") (doc 58) stating "Debtor now believes her financial obligations can best be addressed under Chapter 7. The Case has not been previously dismissed or converted." The Order of Conversion to Chapter 7 was entered on October 29, 2019 (doc 60). The Chapter 7 Trustee filed her Chapter 7 Trustee's Report of No Distribution on January 7, 2019.

On January 14, 2019 the Debtor filed a Motion to Re-Convert her case back to a Chapter 13 (doc 73) stating:

"Debtor was not eligible for a dischargeable Chapter 7 because her current Chapter 13 was filed on September 5, 2014 within eight years of a previously discharged Chapter 7 case that was filed on December 23, 2019".

"Debtor's attorney, in part due to his software's storage of the information, mistakenly noted the ten year gap between the filing date in 2009 compared to 2019, rather than recognizing the Chapter the being converted was filed on September 5, 2014, within eight years of the December 23, 2009 Chapter 7 filing."

The Debtor is no stranger to bankruptcy having filed the following cases:

96-49178 Ch 13 filed on Oct. 31, 1996 Dismissed on Jan. 27, 1998 for failure to make plan payments

98-40815 Ch 13 filed on Jan. 26, 1998 Dismissed on April 6, 1998 for failure to make plan payments

99-45087 Ch 7 filed on May 7, 1999 **Discharged** on August 24, 1999

09-48544 Ch 7 filed on Aug. 28, 2009 **Discharged** on December 8, 2009

14-41113 Ch 13 filed on Feb. 21, 2014 Dismissed on July 7, 2014 for failure to file tax returns


14-47077 Ch. 13 converted to Ch 7 October 29, 2019 PENDING: Motion to Re-Convert to Ch 13

It is accordingly

ORDERED that the **HEARING** in regard to the Motion to Re-Convert Chapter 7 Case back to a Chapter 13 Case (doc 73) be and it is hereby **SET** for **February 4, 2020, at 1:00 P.M.** in the United States Bankruptcy Court, Eastern District of Missouri, United States Courthouse, Thomas Eagleton Building, **5th Floor, North** Courtroom, 111 S. 10th Street, St. Louis, Mo 63102. **No continuances or extensions shall be granted absent the most extenuating of circumstances. The Motion will not be granted by default. Counsel for Debtor must appear in person.**

Dated: January 14, 2020

St. Louis, Missouri
amw


Barry S. Schermer
United States Bankruptcy Judge

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